

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

	)	MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY	)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION	)	
	)	Judge Patti B. Saris
	)	
THIS DOCUMENT RELATES TO:	)	EX PARTE APPLICATION
State of California, <i>ex rel.</i> Ven-A-Care v.	)	BY THE STATE OF CALIFORNIA
Abbott Laboratories, <i>et al.</i>	)	FOR ENLARGEMENT OF TIME
01-cv-12257-PBS and 03-cv-11226-PBS	)	TO EFFECT SERVICE AND
	)	[PROPOSED] ORDER
	)	
	)	
	)	

Plaintiff State of California (“California”), through the undersigned counsel, hereby applies to the Court ex parte for an Order enlarging time to effect service on Boehringer Ingelheim Pharmaceuticals, Inc. (“BIPI”). The Relator, Ven-A-Care of the Florida Keys, joins in this Application.


The undersigned counsel for California has advised counsel for BIPI that such an ex parte request will be made to this Court. Specifically, Deputy Attorney General John P. Fisher notified BIPI's counsel, Mr. Brent Caslin of Kirkland & Ellis by telephone on December 20, 2005 of this application, as set forth in the accompanying declaration. Mr. Caslin stated he did not oppose this application. An enlargement of time is necessary in order to permit the state of California to evaluate whether an alternative to service on BIPI is appropriate in this matter. The State's evaluation cannot be completed within the 120 day period in which to serve BIPI, which expires on December 23, 2005.

Plaintiff respectfully requests that the Court grant an additional sixty [60] days for California to effect service on BIPI, so that service must be completed on or before February 21, 2006, should the State decide service of the amended complaint on BIPI is appropriate.

Dated: December 20, 2005

Respectfully submitted,

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